FISCAL MEMORANDUM

HB 1254 - SB 1361

April 5, 2021

SUMMARY OF ORIGINAL BILL: Authorizes a person to seek attorney's fees in a civil asset forfeiture case when the claim is brought in a contested case hearing.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006534): Deletes all language after the enacting clause. Specifies that an award of reasonable attorney's fees order by an administrative law judge or court shall not exceed $10,000 and that failure to submit documentation of an attorney's time and expenses must result in no attorney's fee being awarded.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-33-217(c), no award of attorney's fees under this section shall exceed the lesser of the following, as may be applicable to the case:
  - 25 percent of the National Automobile Dealers Association rough trade-in value of any motor vehicle seized and returned;
  - 25 percent of the value of any currency seized and returned;
  - 25 percent of the reasonable replacement value of any miscellaneous personal property seized and returned;
  - $3,000; or
  - If multiple types of property are returned, a combination of the amounts, provided that the total amount of attorney's fees awarded shall not exceed $3,000.
- Per the language of this legislation, rather than the above dissection, an award of reasonable attorney's fees order by an administrative law judge or court shall not exceed $10,000. Failure to submit documentation of an attorney's time and expenses must result in no attorney's fee being awarded.
- It is estimated there will not be a sufficient enough number of attorneys' fees exceeding the original figure awarded to significantly increase state expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

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